

KAREN MITCHELL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

**BILLY BAILEY, COLTON TANNER,
ANTHONY WILLIAMS, ERIC BURNS,
MICHAEL MCGREGOR, SCOTT NIGMA,
THOMAS SZARY, and KEITH TURNER**

Plaintiffs,

V.

**VOYAGER PIPELINE
CONSTRUCTION, LLC,**

Defendant

Civil Action No. 6:15-cv-8

JURY DEMANDED

PLAINTIFFS' FIRST AMENDED COMPLAINT

COME NOW Plaintiffs, BILLY BAILEY, COLTON TANNER, ANTHONY WILLIAMS, ERIC BURNS, MICHAEL MCGREGOR, SCOTT NIGMA, THOMAS SZARY, and KEITH TURNER (collectively “Plaintiffs”) by and through their undersigned attorney of record, and sue Defendant, VOYAGER PIPELINE CONSTRUCTION, LLC., (“Defendant”), and in support thereof would show unto this Honorable Court as follows:

1. Plaintiffs bring this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).
2. Plaintiff BILLY BAILEY is an individual residing in Tarrant County, Texas.
3. Plaintiff COLTON TANNER is an individual residing in Johnson County, Texas.
4. Plaintiff ANTHONY WILLIAMS is an individual residing in Tarrant County, Texas.
5. Plaintiff ERIC BURNS is an individual residing in Tarrant County, Texas.
6. Plaintiff MICHAEL MCGREGOR is an individual residing in Dallas County,

Texas.

7. Plaintiff SCOTT NIGMA is an individual residing in Tarrant County, Texas.

8. Plaintiff THOMAS SZARY is an individual residing in Tarrant County, Texas.

9. Plaintiff KEITH TURNER is an individual residing in Johnson County, Texas.

10. Defendant Voyager Pipeline Construction, LLC, is a Texas Limited Liability Company. Defendant has filed its Answer in this action. Therefore, service of process is not necessary.

11. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1331, Title 28 U.S.C. §1337, and by Title 29 U.S.C. §216(b). At all times pertinent to this complaint, Defendant was an enterprise engaged in interstate commerce. At all times pertinent to this Complaint, Defendant regularly owned and operated a business engaged in commerce or in the production of goods for commerce as defined by §§3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). Additionally, each Plaintiff was individually engaged in commerce and his work was essential to Defendant's businesses.

12. Venue is proper in this district under 28 U.S.C. § 1391.

13. Plaintiff BILLY BAILEY worked for Defendant from approximately January 2014 through October 2014 as a "SuperLoop and SandX Technician".

14. Plaintiff COLTON TANNER worked for Defendant from approximately February 2014 through November 2014 as a "SuperLoop and SandX Technician".

15. Plaintiff ANTHONY WILLIAMS worked for Defendant from approximately January 2014 through September 2014 as a "SuperLoop and SandX Technician".

16. Plaintiff ERIC BURNS worked for Defendant from approximately January 2014 through March 2015 as a "SuperLoop and SandX Technician".

17. Plaintiff MICHAEL MCGREGOR worked for Defendant from approximately August 2014 through February 2015 as a “SuperLoop and SandX Technician”.

18. Plaintiff SCOTT NIGMA worked for Defendant from approximately May 2014 through November 2014 as a “SuperLoop and SandX Technician”.

19. Plaintiff THOMAS SZARY worked for Defendant from approximately October 2014 through March 2015 as a “SuperLoop and SandX Technician”.

20. Plaintiff KEITH TURNER worked for Defendant from approximately May 2014 through November 2014 as a “SuperLoop and SandX Technician”.

21. During one or more weeks of Plaintiffs’ employment with Defendant, Plaintiffs worked in excess of forty (40) hours (overtime hours).

22. During one or more weeks of Plaintiffs’ employment with Defendant wherein Plaintiffs worked overtime hours, Defendant failed to pay Plaintiffs one and one-half times their regular rate of pay for each overtime hour worked.

23. The acts described in the preceding paragraph violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendant willfully violated Plaintiffs’ rights under the FLSA.

24. As a result of Defendant’s unlawful conduct, Plaintiffs are entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

25. Plaintiffs seek and are entitled to an award of liquidated damages in an equal amount of the unpaid overtime pay and minimum wage pursuant to Section 216 of the Act.

26. Plaintiffs also seek compensation for expenses and costs of court that will be incurred in this action. Plaintiffs are also entitled to reasonable and necessary attorneys’ fees

pursuant to 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that:

- a. The Court assume jurisdiction of this cause and that Defendant be cited to appear;
- b. The Court award damages to Plaintiffs as specified above;
- c. The Court award reasonable and necessary attorneys' and expert fees and costs;
- d. The Court award Plaintiffs pre-and post-judgment interest at the highest rates allowed. Plaintiffs further pray for any such other relief as the Court may find proper, whether at law or in equity.

Respectfully submitted,

By: /s/ David G. Langenfeld

David G. Langenfeld

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following parties:

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